

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6109

JOHN E. DANIELS,

Plaintiff - Appellant,

versus

CAPTAIN WILLIAMS, Lexington County Detention
Center; MAJOR HARRIS, Lexington County
Detention Center; LIEUTENANT GARRISON,
Lexington County Detention Center, sued in
their official, individual and personal
capacity,

Defendants - Appellees,

and

LEXINGTON COUNTY DETENTION CENTER,

Defendant.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. C. Weston Houck, Senior District
Judge. (CA-01-2762-9-12)

Submitted: April 15, 2004

Decided: April 22, 2004

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

John E. Daniels, Appellant Pro Se. Matthew Blaine Rosbrugh,
DAVIDSON, MORRISON & LINDEMANN, P.A., Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

John E. Daniels seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on November 12, 2003. The notice of appeal was filed on December 29, 2003.* Because Daniels failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

*For the purpose of this appeal, we assume this date is the date the notice of appeal was delivered to prison officials for mailing to the court. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

DISMISSED